

**IN THE UNITED STATE DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,)
Plaintiff,) **Civil Action No. 1-05-1225**
vs.)
RIVER WAFFLES, LLC, and)
COLLIS FOODS, INC., d/b/a)
WAFFLE HOUSE RESTAURANT,)
Defendant.)

CONSENT DECREE

This action was instituted by the Equal Employment Opportunity Commission (hereinafter the “Commission”) against Defendants, River Waffles, LLC, and Collis Foods, Inc., d/b/a Waffle House Restaurant (Waffle House or Defendants), pursuant to Section 107(a) of the Americans With Disabilities Act of 1990 (“ADA”), 42 U.S.C. §12117(a), which incorporates by reference Sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964 (“Title VII”), 42 U.S.C. §§22000e-5(f)(1) and (3), and pursuant to Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981(A). The Complaint alleged Defendants discharged John Doe from the position of cook because of his disability, Hepatitis C.

This Consent Decree does not constitute an admission by the Defendants of the allegations of the Complaint. The Defendants maintain that the actions of their officials were proper and lawful in all regards. However, all parties to this action desire to avoid the additional expense and delay in the litigation of this case.

In the event this proposed Consent Decree is not approved or does not become final, it shall not be admissible in evidence in any subsequent proceeding in this action.

The Court has reviewed the terms of the proposed Consent Decree in light of the applicable laws and regulations, the statements and representations of counsel for all parties, and hereby approves the Consent Decree.

It is hereby **ORDERED, ADJUDGED AND DECREED:**

I. JURISDICTION

The United States District Court for the Western District of Tennessee, Western Division, has jurisdiction over the parties and subject matter of this litigation.

II. SCOPE AND DURATION OF DECREE

A. This Consent Decree resolves all issues and claims arising out of the Commission's Complaint in this cause, alleging unlawful employment policies and practices maintained by the Defendants and arising out of Charge No. 250-2004-04284 filed by Charging Party, John Doe, with the Commission. Notwithstanding any provisions contained in this Decree, this agreement shall not be considered in any manner to be dispositive of any charge now pending before any office of the Commission other than Charge No. 250-2004-04284.

B. The provisions of this Consent Decree shall continue to be effective and binding upon the parties to this action for three (3) years.

III. INJUNCTION PROVISIONS

A. The Defendants, their officers, agents, employees, and all persons acting in concert with the Defendants are hereby enjoined from discriminating against a qualified

individual with a disability because of the disability of such individual in regard to discharge and other terms, conditions, and privileges of employment.

B. The Defendants, their officers, agents, employees, and all persons acting in concert with the Defendants shall not engage in any employment practice which has the purpose or effect of discriminating against any individual on the basis of a disability under the American With Disabilities Act of 1990.

IV. NON-RETALIATION PROVISION

The Defendants, their officers, agents, employees, and all persons acting in concert with the Defendants shall not discriminate against any individual because such individual has opposed any act or practice made unlawful by the Americans With Disabilities Act or because such individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the Americans With Disabilities Act.

V. TRAINING

Within thirty days after receiving a copy of this Decree entered by the Court, Waffle House will provide training for its management officials and all of its employees at the Jackson, Tennessee location concerning the Americans With Disabilities Act. This training will specifically address discrimination in the terms and conditions of employment of individuals with disabilities. Within twenty days after the completion of this training, Waffle House will submit a report to Katharine W. Kores, at the address indicated below, confirming that this training has occurred.

VI. NOTICE POSTING

The Defendants shall continue to conspicuously post at the Jackson, Tennessee location, the notice (posters) required to be posted pursuant to the Americans With Disabilities Act of 1990. Furthermore, the Defendants shall conspicuously post the notice at Appendix A of this Decree at the Jackson facility for one year commencing within ten (10) days after entry of this Decree by the Court.

VII. INDIVIDUAL RELIEF

The Defendants shall pay John Doe twenty thousand four hundred dollars (\$20,400.00) in back pay, less withholding taxes, and twenty-nine thousand six hundred dollars (\$29,600.00) in compensatory damages. The payments will be made by mailing certified checks to the Charging Party, within ten (10) days of the entry of the Consent Decree at the address which will be provided by the Commission. A copy of the checks (front and back) will be mailed at the same time to:

Katharine W. Kores, Regional Attorney
Equal Employment Opportunity Commission
1407 Union Avenue, Suite 621
Memphis, TN 38104

VII. COSTS

Each of the parties shall bear its own costs, including attorney's fees.
SO ORDERED this 19th day of February, 2006.

s/James D. Todd

CHIEF JUDGE JAMES D. TODD
UNITED STATES DISTRICT COURT

FOR THE COMMISSION:

JAMES L. LEE
Deputy General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel

s/ Katharine W. Kores (with permission DS)
KATHARINE W. KORES
Regional Attorney
TN Bar No. 6283

s/ Faye A. Williams (with permission DS)
FAYE A. WILLIAMS
Supervisory Trial Attorney
TN Bar No. 011730

s/ Deidre Smith
DEIDRE SMITH
Senior Trial Attorney
TN Bar No. 018499

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
1407 Union Avenue, Suite 621
Memphis, TN 38104
Telephone: (901) 544-0140

FOR THE DEFENDANTS:

s/ Joe E. Manuel (with permission DS)
JOE E. MANUEL
Attorney at Law
TN Bar No. 006119
147 N. Market Street, Suite C
Chattanooga, TN 37405

Appendix A

NOTICE

1. This Notice to all employees of Waffle House Restaurant is being posted as part of the remedy agreed to between Waffle House Restaurant and the Equal Employment Opportunity Commission in settlement of a complaint of employment discrimination filed by an employee of Waffle House Restaurant.
2. Federal law requires that there be no discrimination against any employee because of a disability under the Americans With Disabilities Act of 1990.
3. Waffle House Restaurant supports and will comply with such Federal law in all respects and will not take any action against employees because they have exercised their rights under the law by filing charges with the Equal Employment Opportunity Commission and/or testified, assisted or participated in any manner in any investigation, proceeding or hearing under the Americans With Disabilities Act of 1990.
4. The posting of this Notice by Waffle House Restaurant does not constitute an admission by Waffle House Restaurant of any liability under Federal law.
5. This Notice shall be posted by Waffle House Restaurant for one year.

SIGNED this _____ day of _____, 2006.
